

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

1

STATE OF NEW YORK, and BASIL SEGGOS,  
COMMISSIONER OF THE NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION,

STIPULATION

Plaintiffs,  
- against -

CRESCENT GROUP REALTY INC., DOMINICK  
MAVELLIA, KENNETH AUERBACH, EUGENE  
SMITH, and FLEXTRONICS AUTOMOTIVE USA  
MANUFACTURING CO.,

Case No. 17-CV-06739-JMA-AYS

Defendants.

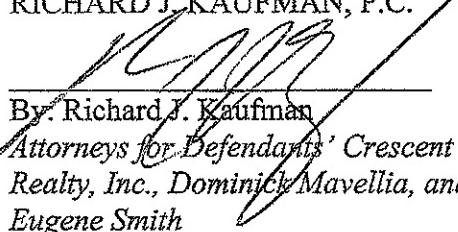
-----X

**IT IS HEREBY STIPULATED AND AGREED** by and between the attorneys for the Plaintiffs and the Defendants that the Defendants' CRESCENT GROUP REALTY, INC., DOMINICK MAVELLIA, KENNETH AUERBACH and EUGENE SMITH's time to Answer the Plaintiffs' Second Amended Complaint filed October 8, 2020, is hereby adjourned until twenty (20) days after a decision is rendered by Judge Joan M. Azrack regarding defendants' October 28, 2020 request for a pre-motion conference and leave to make a motion pursuant to FRCP 12(b)(6), and it is

**FURTHER STIPULATED AND AGREED** that this Stipulation may be signed in counterparts, with facsimile and PDF signatures having the same force and effect as original signatures.

Dated: Patchogue, New York  
October 29, 2020

RICHARD J. KAUFMAN, P.C.

  
By: Richard J. Kaufman

*Attorneys for Defendants' Crescent Group  
Realty, Inc., Dominick Mavellia, and  
Eugene Smith*  
646 Main Street  
Port Jefferson, New York 11777  
(631) 331-0950

NEW YORK STATE OFFICE OF THE  
ATTORNEY GENERAL ENVIRONMENTAL  
PROTECTION BUREAU

Austin Thompson

By: Austin Thompson  
Assistant Attorney General  
28 Liberty Street  
19<sup>th</sup> Floor  
New York, New York 10005

SO ORDERED:

---

HON.

CARTIER, BERNSTEIN, AUERBACH &  
STEINBERG, P.C.  
Kenneth A. Auerbach

By: Kenneth A. Auerbach  
*Attorneys for Defendant Kenneth Auerbach*  
100 Austin Street  
Building 2  
Patchogue, New York 11772  
(631) 654-4900

WOMBLE, BOND, DICKINSON, LLP

Brad De Vore

By: Brad De Vore  
301 South College Street, Suite 3500  
Charlotte, North Carolina 28202

All electronic signatures signed upon consent of all parties